

Date

Mr. Julius P. Hebert, Jr.
Herbert & Marceaux, L.L.C.
4752 Hwy 311, Suite 114
Houma, LA 70360

**Re: Louisiana Board of Ethics Docket No. 2021-711
Advisory Opinion**

Dear Mr. Hebert:

The Louisiana Board of Ethics, at its November 5, 2021 meeting, considered your request for an advisory opinion as the parish attorney regarding whether the Louisiana Code of Governmental Ethics ("Code") would prevent Terrebonne Parish Department of Housing and Human Services employee Araminta Rainey from enrolling her son in the Head Start Program.

FACTS PROVIDED

The Terrebonne Parish Head Start Program ("Program") is a federally-funded childcare and education program for preschool children in low-income families, with eligibility determined by the federal poverty guidelines. The Program provides childcare, educational, and family services that have an economic value of \$11,000 per year at no cost to participating families. To participate in the Program, priority is given to households that are under 100% of the poverty level, then to households within 100-130% of the poverty level, and lastly 130% and above the poverty level. Ms. Rainey's son qualified under the federal standards in the last category as the family income is above 130% of the poverty level.

You stated that Ms. Rainey currently serves as the Community Outreach Specialist for the Program. A major function of Ms. Rainey's job is to coordinate and implement all eligibility, recruitment, selection for enrollment, and attendance activities as required by Program performance standards. Enrollment in the Program is limited to 170 students. Only 17 students are allowed to enroll from above-income families. Ms. Rainey receives the applications from the Head Start committee, reviews its recommendations, and makes the final decision as to which children will be admitted into the Program.

LAW

La. R.S. 42:1113A(1)(a) prohibits a public servant or a member of such public servant's immediate family from bidding on or entering into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the public servant's agency.

La. R.S. 42:1102(23) defines "Transaction involving the governmental entity" to mean any proceeding, application, submission, request for a ruling or other determination, contract, claim,

case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know: (a) Is, or will be, the subject of action by the governmental entity. (b) Is one to which the governmental entity is or will be a party. (c) Is one in which the governmental entity has a direct interest.

ANALYSIS

La. R.S. 42:1113A(1)(a) prohibits a public servant from entering into any transaction that is under the supervision or jurisdiction of the agency of such public servant. Ms. Rainey's agency is the Terrebonne Parish Head Start Program. Since the enrollment application is processed by Ms. Rainey in the course of her official job duties as Community Outreach Specialist for the Terrebonne Parish Head Start Program, and she determines who is eligible to participate in the program, her son would not be allowed to participate in the program.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Louisiana Code of Governmental Ethics would prohibit Ms. Rainey from submitting an application to the Terrebonne Parish Head Start Program to enroll her son in the Program.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Suzanne Quinlan Mooney
For the Board